

Attorney Docket No.: C4307(C)
Serial No.: 10/561,563
Filed: June 8, 2006
Confirmation No.: 9912

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The upper limit of the range of the concentration of the dye has been amended to 0.01% as supported in the specification at page 3, line 19. Additionally, the subject matter of claim 9 has been incorporated into claims 1 and 2. Additionally, the claims now recite particulate detergent compositions, as supported by the specification at page 2, line 25.

The claims were rejected as anticipated, or in the alternative, as obvious over Cooke, WO 03/014277. The amended claims distinguish more clearly over Cooke. The amended claims recite laundry treatment composition comprising 5 - 60% surfactant and up to 0.01% dye. Cooke simply does not teach compositions which comprise those levels of both surfactant and dye. Specifically, with reference to Set 2 as found on page 31 of Cooke, the following may be calculated:

A 1 g/L of Direct Violet 51 is disclosed. Of this solution 0.33 ml was used. The conditions used were as described on page 31, lines 9 to 14, where previous conditions were referred to. These previous conditions are described on page 25. At 100 ml of wash liquor, there is present 0.33 ml of a 1g/l dye solution for Direct Violet 51. Hence 0.00033g of Direct Violet 51 was added to 100ml. To this was added 0.7 g of washing formulation. Hence divide 0.00033 by 0.7 and multiply by 100 to get % of dye on formulation = 0.047 wt %.

This amount in Cooke is much larger (nearly five times more) than 0.01% upper limit range in applicant's amended claims.

In the alternative, if Cooke's final wash liquor is considered, then the concentration of surfactant may be calculated:

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The wash liquor used has 0.7 g/l of a laundry detergent powder present in 100 ml as disclosed on page 25. Of the 0.7 g laundry detergent powder (7.89 + 5.07 + 3.94) 16.9 % is surfactant or 0.1183g. Cooke's wash liquor therefore contained less than 0.12 wt % of surfactant.

This amount of surfactant is orders of magnitude less than the presently claimed surfactant range. Thus, Cooke does not teach compositions with presently recited levels of both surfactant and bis-azo Direct Violet dye. Consequently, it is respectfully requested that the anticipation rejection over Cooke be reconsidered and withdrawn.

With respect to obviousness, it is respectfully submitted that Cooke mentions colorants on page 23, line 12 used to add colour to the actual composition, to improve the aesthetics of the composition itself (these are typically inorganic pigments). The dyes in Set 2 of Example 17 and the other examples of Cooke are used to test the dye transfer inhibition of Cooke's composition. Note also that for the dye transfer inhibition experiments, the word "dye" is used, whereas for composition itself, the word "colorant" is used.

Please also note that Cooke uses Direct Violet 51 in Set 2 of Example 17 in combination with direct yellow 86 (see page 31, lines 1-2 of Cooke). This is contrary to the invention of the present application. In the present application, the aim is to prevent yellowing via the use of direct violet dyes as specified. The use of Cooke's composition according to Set 2 of Example 17 would go contrary to this inventive concept in that a yellow dye is added. This is, of course, irrelevant for Cooke's compositions because the dye is not added to the composition to improve performance, but to test the performance of anti-dye transfer compositions of Cooke.

In light of the above amendments and remarks, it is respectfully requested that the rejection of Cooke be reconsidered and withdrawn and the application be allowed to issue.

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With respect to obviousness type double patenting rejection, a Terminal Disclaimer is submitted herewith.

Applicants respectfully request the Examiner's acknowledgement of documents submitted concurrently herewith a Fifth Supplemental Information Disclosure Statement.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney kindly requests the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rimma Mitelman", is written over a horizontal line.

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